



**USDA Forest Service
Rocky Mountain Region**

Fact Sheet

Water Right and Ski Areas

Date: January 28, 2013

The Forest Service fully supports the ski industry and the outdoor recreation economy. We estimate that downhill skiers and snowboarders contribute approximately \$1.5 billion dollars to the local and state economy.

- Nearly half of the downhill skiing capacity in the United States is located on national forests with around 27 million people visiting those ski areas annually. In Colorado there are 22 ski areas on seven national forests.
- Ski area ownership requires significant, long-term investment, and the mix of private and federal land ownership requires careful consideration of water supplies to ensure future viability of ski areas.
- Skiing is part of the identity and economic lifeblood of Colorado. We are known around the world for these opportunities, and ski areas in the national forests contribute substantially to rural and state economies and to the unique quality of life here.

The Forest Service is committed to ensuring that the water rights associated with ski areas remain dedicated to that use – keeping the water with the land to sustain local communities, and ensure the long-term viability of unsurpassed winter recreational experiences.

- The allocation of National Forest System land for a ski area represents a significant public investment that must be protected. Ski areas also provide significant quality of life and economic benefits to nearby communities.
- The Forest Service takes a long term view of land management. Protecting the public investment when business interests may change. It is important that sufficient protection exists to ensure water rights are not severed from ski areas by permit holders or the Forest Service.

On December 19, 2012, the United States District Court for the District of Colorado in *National Ski Areas Association, Inc. v. United States Forest Service* ruled to vacate the 2012 Forest Service directive on ski area water rights. The Court declined to rule on the substance of the Forest Service directive, but indicated the Agency should proceed with public notice and comment for this type of directive.

- In response to this ruling, the Forest Service is initiating a public process that will allow ski areas and other constituents to address these issues with a long term goal of a thriving ski industry where water stays with the land for ski area purposes. We expect this inclusive public process to begin this spring.
- As a result of this ruling, a number of issues of concern to the legislature which are addressed in House Bill 13-1013 and Colorado House Joint Resolution 13-1004 are moot.
- The Forest Service looks forward to working with constituents including the State regarding this issue.

Together, we can find workable solutions that support a strong ski industry, keep the water with the land to sustain local communities, and ensure the viability of these recreation opportunities for the long term.

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